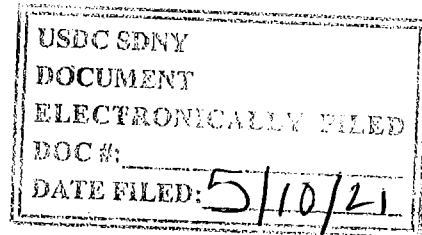


UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK



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FAT SAL'S BRANDING, LLC,
a California limited liability company,

Plaintiff(s),

**CIVIL CASE DISCOVERY PLAN
AND SCHEDULING ORDER**

v.

Case No.: 7:21-cv-00161-VB

FAT SAL'S BAR & GRILL INC., a New York
corporation, SAL BARONE, an Individual,
AUDREY HOCHROTH, an Individual,
MATTHEW CAMERINO, an Individual, and
BENNY LUDIQ, an Individual,
Defendant(s).

-----X
This Civil Case Discovery Plan and Scheduling Order is adopted, after consultation
with counsel and any unrepresented parties, pursuant to Rules 16 and 26(f) of the Federal
Rules of Civil Procedure:

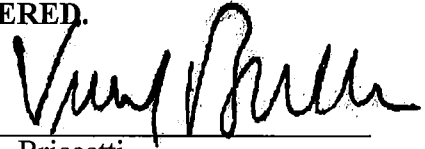
1. All parties do not consent to conducting all further proceedings before a Magistrate Judge, including motions and trial, pursuant to 28 U.S.C. § 636(c). The parties are free to withhold consent without adverse substantive consequences.
2. This case is to be tried to a jury.
3. Amended pleadings may not be filed and additional parties may not be joined except with leave of the Court. Any motion to amend or to join additional parties shall be filed by June 5, 2021. (Absent exceptional circumstances, 30 days from date of this Order.)
4. Initial disclosures pursuant to Rule 26(a)(1) of the Federal Rules of Civil Procedure must be completed by May 20, 2021. (Absent exceptional circumstances, 14 days from date of this Order.)
5. Fact Discovery
 - a. All fact discovery must be completed by September 5, 2021. (Absent exceptional circumstances, a period not to exceed 120 days from date of this Order.)
 - b. Initial requests for production of documents must be served by June 11, 2021.
 - c. Interrogatories must be served by September 3, 2021.

- d. Non-expert depositions must be completed by August 31, 2021.
 - e. Requests to admit must be served by September 3, 2021.
 - f. Any of the interim deadlines in paragraphs 5(b) through 5(e) may be extended by the written consent of all parties without application to the Court, provided that all fact discovery is completed by the date set forth in paragraph 5(a).
6. Expert Discovery
- a. All expert discovery, including expert depositions, shall be completed by October 18, 2021. (Absent exceptional circumstances, 45 days from date in paragraph 5(a); i.e., the completion of all fact discovery.)
 - b. Plaintiff's expert disclosures pursuant to Fed. R. Civ. P. 26(a)(2) shall be made by September 20, 2021.
 - c. Defendant's expert disclosures pursuant to Fed. R. Civ. P. 26(a)(2) shall be made by October 4, 2021.
 - d. The interim deadlines in paragraphs 6(b) and 6(c) may be extended by the written consent of all parties without application to the Court, provided that all expert discovery is completed by the date set forth in paragraph 6(a).
7. Additional provisions agreed upon by the parties are attached hereto and made a part hereof.
8. **ALL DISCOVERY SHALL BE COMPLETED BY November 5, 2021.** (Absent exceptional circumstances, a period not to exceed 6 months from date of this Order.)
9. All motions and applications shall be governed by the Court's Individual Practices, including the requirement of a pre-motion conference before a motion for summary judgment is filed.

10. Unless otherwise ordered by the Court, within 30 days after the date for the completion of discovery, or, if a dispositive motion has been filed, within 30 days after a decision on the motion, the parties shall submit to the Court for its approval a Joint Pretrial Order prepared in accordance with the Court's Individual Practices. The parties shall also comply with the Court's Individual Practices with respect to the filing of other required pretrial documents.
11. The parties have conferred and their present best estimate of the length of the trial is three (3) business days.
12. This Civil Case Discovery Plan and Scheduling Order may not be modified or the dates herein extended without leave of the Court or the assigned Magistrate Judge acting under a specific order of reference (except as provided in paragraphs 5(f) and 6(d) above).
13. The Magistrate Judge assigned to this case is the Honorable Andrew E. Krause.
14. If, after the entry of this Order, the parties consent to trial before a Magistrate Judge, the Magistrate Judge will schedule a date certain for trial and will, if necessary, amend this Order consistent therewith.
15. The next case management conference is scheduled for November 10, 2021 at 09:30 am. (The Court will set this date at the initial conference.)

Dated: May 10, 2021
White Plains, NY

SO ORDERED.



Vincent L. Briccetti
United States District Judge

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16. The parties are directed to discuss settlement in good faith. By no later than September 1, 2021, counsel shall submit a joint letter regarding the status of their discussions and whether there is anything the Court can do to assist in that regard.
 17. The case management conference scheduled for November 10, 2021, at 9:30 a.m. will be conducted by telephone. At the time of the scheduled conference, counsel shall use the following information to appear by telephone: Dial-In Number: (888) 363-4749 (toll free) or (215) 446-3662; Access Code: 1703567.
 18. The Clerk shall terminate the letter-motion. (Doc. #36).